

THE SECRETARY OF STATE
WASHINGTON

September 20, 1963

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JB
See Don
Arming file

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Dear Mr. Chairman:

In your letter of August 27 you ask whether there is a variance in substance between the English and Russian texts of the first sentence of subparagraph (b) of paragraph 1 of Article I of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. I do not believe that any such variance exists. The relevant portion of the sentence in question reads as follows:

"in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

These words first appeared in the text of the three-environment test ban treaty which the United States and the United Kingdom presented at the Geneva Conference on August 27, 1962. The Russian language text is a translation of the original English which is satisfactory to the Governments of the United States, the United Kingdom and the Soviet Union. We believe it fully conveys the meaning we intended in the August 27, 1962 draft treaty.

Prior to

The Honorable
John O. Pastore,
Chairman, Joint Committee on Atomic Energy,
The Capitol.

State Dept. review completed

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Prior to the time the English and Russian texts were initialled in Moscow on July 25, 1963, both texts were carefully compared by Russian language experts of the United States and the United Kingdom in order to see that they conveyed the same meaning. We were assured that they did. In comparing texts of a document which is drafted in two different languages we do so on the basis of a substantive translation that compares the meaning of the two texts rather than on the basis of a literal translation that focuses attention on particular elements of wording or phrasing of the two texts. This is particularly important when the languages are as different in their rules of grammar and sentence structure as are English and Russian. Concentrating on the substance of the sentence in question, I am satisfied that the meaning of the two texts is the same, and that the Soviets also believe that they are the same. For this reason, I do not believe that the phrase in question needs to be clarified further.

I do not believe that there is anything in the re-translation from Russian back into English which the Library of Congress has supplied that points to a contrary view. For example, the process of translation of English to Russian and back into English has changed the phrase "outside the territorial limits of the State" into "beyond the limits of the territorial boundaries of the State" but this does not point to any difference in substance between the English and Russian texts. The same is true of the phrase "causes radioactive debris to be present". The fact that a permissible re-translation would be "causes fall of radioactive precipitants", as suggested by the Library of Congress or "evokes the falling out of radioactive deposits (residue)" as suggested by other language scholars, does not, in my judgment, require a different conclusion.

Our

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Our experience has been that literal re-translations back into the original language frequently produce variances in the text. This is especially likely when technical concepts are being re-translated. The attached memorandum analyzes the relevant phrase and illustrates this point. However, even if literal re-translations may produce variances, it must be kept in mind that both language versions together comprise one treaty. There are not two different agreements, one in each language. Since the United States, as well as the Soviet Union, will be bound by both language versions, it is necessary that the substantive meaning of the articles be the same, as they are in this case.

The Senate, in evaluating the Treaty according to the English text, is assured that the meaning of the English and the Russian texts are the same and that the Treaty creates the same rights and obligations for all Parties. In any event, it is the position of the United States Government that if the Soviets should interpret the Treaty more broadly than the United States now envisages, the United States Government will consider itself free to extend its underground testing program to limits observed by the Soviets.

In your letter you also call attention to the possibility of a violation of the Treaty by a test in the atmosphere from which no radioactive debris was obtained. Such an explosion would be a violation of the Treaty; and the terms of the Treaty provide ample flexibility to permit the United States to take whatever steps are in its best interests. The absence of radioactive debris would not preclude a finding that the Soviet Union had violated the Treaty. Of course, the Soviets, in asserting their innocence, would probably point to the absence of debris. Nevertheless, the finding of a violation, for the purpose of determining

whether

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whether the United States should remain bound by the Treaty, is for the United States alone to make, on the basis of all of the evidence, including acoustic or electromagnetic signals.

Finally, you noted that you were sending a copy of your letter to Chairman Seaborg. We have discussed the problem with the Atomic Energy Commission, and it concurs in this response. Also, in addition to Chairman Seaborg, the other members of the Committee of Principals concur with the views I have expressed in this letter.

This letter is classified "Limited Official Use" because the third paragraph on page 3 responds to a sensitive point raised in your letter. With the exception of that paragraph, you may consider the letter unclassified.

Sincerely yours,



Dean Rusk

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